EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying party

Subject: **Case M.9831 - OMV / BOREALIS**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 6 July 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which OMV Aktiengesellschaft ('OMV', Austria) acquires sole control within the meaning of Article 3(1)(b) of the Merger Regulation over Borealis AG ('Borealis', Austria). Borealis is currently jointly controlled by OMV and Mubadala Investment Company, Abu Dhabi, UAE ("Mubadala", UAE)**.**[3]

2. The business activities of the undertakings concerned are:

   – OMV is globally active in the exploration, development and production of oil and gas. It also operates refineries in Austria, Germany and Romania, which produce and sell LPG, jet fuel, naphtha, gasoline, diesel, light fuel oil, heavy fuel oil, sulphur and calcined coke; trades and sells gas and owns a pipe-line network and gas storage facilities in Austria.

   – Borealis is active in the production and commercialisation of polyolefins, base chemicals and fertilisers.

3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of

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1 OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation'). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ('TFEU') has introduced certain changes, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this decision.

2 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

3 Publication in the Official Journal of the European Union No C 249, 29.7.2020, p. 8.

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paragraph 5(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.[4]

4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

For the Commission

(Signed)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.